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In re Application of :
OKNELID, Erika et al. :
Application No.: 10/524,430 :
PCT No.: PCT/SE03/01226 :
Int. Filing Date: 18 July 2003 : DECISION
Priority Date: 16 August 2002 :
Attorney's Docket No.: 08806.0174-00 :
For: PRESENTING RECOGNISED :
HANDWRITTEN SYMBOLS :

This is a decision regarding applicants' response to Notification of Missing Requirements, filed 09 August 2005.

BACKGROUND

On 18 July 2003, applicants filed international application PCT/SE03/01226. On 26 February 2004, a copy of the international application was transmitted to the Office by the International Bureau. The deadline for entry into the national stage in the United States was midnight 16 February 2005.

On 15 February 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by the basic national fee.

On 10 June 2005, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 09 August 2005, applicants filed a declaration in response to the Notification of Missing Requirements. The declaration was executed by Erika Prymus and Magnus Persson.

DISCUSSION

Under 37 CFR 1.41(a)(4), the inventorship of the international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. The record does not reflect any such requests under Rule 92bis during the international stage.

The inventors in the international application are Erika Oknelid and Magnus Persson. The inventors on the declaration are Erika Prymus and Magnus Persson. Thus, the declaration fails to comply with 37 CFR 1.497(a)(3).

Applicant is required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Attention is directed to MPEP §605.04(c) and the requirement for a petition under 37 CFR 1.182 contained therein, if there has been a change of name.

CONCLUSION

A proper response as indicated above must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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